

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

Firs Home Owners Association,

Plaintiff,

v.

City of SeaTac, a Municipal Corporation,

Defendant.

NO. 2:19-cv-01130-RSL

DECLARATION OF MARY E.  
MIRANTE BARTOLO

Pursuant to 28 U.S.C. § 1746, I, Mary E. Mirante Bartolo, state and declare under penalty of perjury as follows:

1. I am City Attorney for the City of SeaTac. I have held this position for 18 years. This declaration is based on my own personal knowledge.

2. I represent the City of SeaTac in litigation now pending in King County Superior Court pursuant to Washington's Land Use Petition Act (LUPA), Ch. 36.70 RCW, styled *Chrisanto Medina and Firs Home Owners Association v. City of SeaTac and Fife Motel Inc.*, King County Superior Court Case No. 17-207094 KNT. In the LUPA action, the plaintiff (herein, the "HOA") has challenged a February 2017 decision by the SeaTac

DECLARATION OF MARY E. MIRANTE BARTOLO –  
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MENKE JACKSON BEYER, LLP  
807 North 39<sup>th</sup> Avenue  
Yakima, WA 98902  
Telephone (509)575-0313  
Fax (509)575-0351

2 hearing examiner to affirm a certificate of approval issued by the City's Department of  
3 Community and Economic Development to Fife Motel, Inc. (herein "Fife Motel"), on  
4 October 17, 2016. The King County Superior Court has not yet issued a final judgment in  
5 the LUPA appeal. As a result, the relocation plan approval process has been stayed since  
6 October 2016 pursuant to SeaTac Municipal Code ("SMC") § 15.465.600(H)(2) (g).

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8 3. Attorneys Vincente Omar Barraza and Henry Lippek represented the HOA in  
9 the LUPA action.

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11 4. I am aware that, in addition to the LUPA action, Fife Motel, and various  
12 residents of the Firs Mobile Home Park engaged in litigation over the non-payment of rent  
13 and certain actions allegedly taken by Fife Motel. The City generally viewed these disputes  
14 as private matters that do not involve the City.

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16 5. The HOA's attorneys, and particularly Henry Lippek, urged the City to  
17 intervene in litigation between the residents of the Firs Mobile Home Park and Fife Motel.  
18 A true and correct copy of an email exchange between Mr. Lippek and myself dated  
19 February 21, 2018, is attached hereto as Exhibit 1.

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21 6. It would have been improper for the City to insert itself into private litigation  
22 between a landlord and its tenants. However, the City steadfastly maintained that it would  
23 not issue a Certificate of Satisfactory Completion pursuant to SeaTac Municipal Code  
24 ("SMC") § 15.465.600(H)(2)(k) until the stated actions in an approved relocation plan had  
25 been implemented, and the tenants had been relocated. Without a Certificate of Satisfactory  
26 Completion, Fife Motel cannot close the Firs Mobile Home Park.

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29 DECLARATION OF MARY E. MIRANTE BARTOLO –  
30 NO. 2:19-cv-01130-RSL - 2

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2       7. In an effort to assuage Mr. Lippek on this point the City filed a memorandum  
3 with the King County Superior Court on February 22, 2018, in which it emphasized that  
4 pursuant to SMC § 15.465.600(H)(2)(k) "the City CED Director cannot issue a certificate of  
5 satisfactory completion until the relocation plan's stated actions have been implemented and  
6 until all tenants have been relocated." A true and correct copy of this pleading is attached to  
7 the Declaration of Steve Pilcher as Exhibit 27.

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9       8. I have reviewed the First Amended Complaint filed by the HOA on October  
10 21, 2019, including the allegations that the City failed to stop Fife Motel from prematurely  
11 closing the park. (*See* Dk. #25, ¶ 4.30, ¶ 4.53). By virtue of the still-pending LUPA appeal,  
12 the relocation plan process is currently stayed pursuant to SMC § 15.465.600(H)(2)(g),  
13 thereby preventing the City from issuing a Certificate of Satisfactory Completion. The City  
14 has consistently maintained that Fife Motel must fully implement an approved relocation  
15 plan, and all tenants must be relocated, before a Certificate of Satisfactory Completion may  
16 be issued that would allow the Firs Mobile Home Park to be closed.

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18       9. In February 2020, the parties to the LUPA appeal filed a joint motion with  
19 the King County Superior Court asking Judge LeRoy McCullough to affirm the ruling of the  
20 City's hearing examiner to affirm the modified relocation plan and to refer the relocation  
21 plan back to the parties for implementation. The Court never issued a ruling on the parties'  
22 joint motion. As a result, the parties re-noted the motion for hearing on February 1, 2021.  
23 True and correct copies of the noting document, motion, and proposed order are attached  
24 hereto as Exhibit 2. For reasons known only to the Court, Judge McCullough has yet to  
25 issue a ruling on the motion.

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29       DECLARATION OF MARY E. MIRANTE BARTOLO –  
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2 I declare under penalty of perjury under the laws of the State of Washington that the  
3 foregoing declaration is true and correct.

4 DATED THIS 31d day of March, 2021, at SeaTac, Washington.

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6 MARY E. MIRANTE BARTOLO

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CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2021, I filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the following:

V. Omar Barraza [omar@barrazalaw.com](mailto:omar@barrazalaw.com)  
Christina L. Henry [chenry@hdm-legal.com](mailto:chenry@hdm-legal.com)  
Ms. Mary E. Mirante Bartolo [mmbartolo@seatacwa.gov](mailto:mmbartolo@seatacwa.gov)  
Mr. Mark S. Johnsen [mjohnsen@seatacwa.gov](mailto:mjohnsen@seatacwa.gov)  
Mr. Brendan W. Donckers [bdonckers@bjtlegal.com](mailto:bdonckers@bjtlegal.com)

and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

None.

s/ QUINN N. PLANT  
WSBA #31339  
Menke Jackson Beyer, LLP  
*Attorneys for Defendant*  
807 North 39<sup>th</sup> Avenue  
Yakima, Washington 98902  
Telephone: (509) 575-0313  
Fax: (509) 575-0351  
Email: [qplant@mjbe.com](mailto:qplant@mjbe.com)

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